



Planning Commission Minutes
Chesterfield, Virginia 23832
August 18, 2015

PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. Reuben J. Waller, Jr., Vice-Chairman
Dr. William P. Brown
Mr. J. Dale Patton
Dr. Edgar V. Wallin
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Michael E. Tompkins, Assistant Director,
Planning Department
Mr. Rob Robinson, Senior Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Senior Assistant County Attorney,
County Attorney's Office
Ms. Bonnie L. Perdue, Clerk to the Commission,
Planning Department
Mr. Greg Allen, Planning Manager,
Planning Department
Ms. Jane Peterson, Planning Manager,
Planning Department
Ms. Darla Orr, Planning and Special Projects Manager,
Planning Department
Mr. Ryan Ramsey, Planning and Special Projects Manager,
Planning Department
Mr. Jesse Smith, Director,
Transportation Department
Mr. Scott Smedley, Director
Environmental Engineering Department
Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology Department
Deputy Fire Marshall Anthony Batten, Fire and Life Safety,
Fire and EMS Department
Ms. Heather Barrar, Principal Planner,
Planning Department

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Ms. Joanne Simmelink, Senior Planner,
Planning Department
Mr. Ray Cash, Code Keeper,
Planning Department
Ms. Heather Capel, Administrative Assistant,
Planning Department
Ms. Marissa Marklevitz, Senior Planner,
Planning Department

4:00 P.M. PUBLIC MEETING.

I. CALL TO ORDER.

Mr. Gulley called the meeting to order.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

III. REVIEW MEETING PROCEDURES.

Mr. Turner advised he would review the meeting procedures at the 6:00 p.m. meeting.

IV. APPROVAL OF THE PLANNING COMMISSION MINUTES.

A. May 19, 2015 Minutes.

On motion of Dr. Wallin, seconded by Dr. Brown the Commission resolved to approve the May 19, 2015 minutes.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

B. June 16, 2015 Minutes.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to approve the June 16, 2015 minutes.

AYES: Messrs. Gulley, Waller, Brown, Patton and Waller.

V. PUBLIC MEETING.

15PR0236: In Dale Magisterial District, **Steve Brickell** requests a transfer to the Planning Commission for decision of the approved site plan for Lucky Dog Industries, LLC Parking Improvements, Case 15PR0111, located in a C-5 District on approximately 0.80 acres of disturbed area at Route 10 and Canasta Drive. Tax ID 773-680-7615 and 8039.

Dr. Brown requested the case be deferred for thirty (30) days to the September 15, 2015 Planning Commission public meeting.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Brown, seconded by Dr. Wallin, the Commission resolved to defer Case 15PR0236 to their September 15, 2015 Planning Commission public meeting.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

VI. THE COMMISSION RECESSED AT 4:14 P.M. TO THE WORK SESSION

4:15 P.M. WORK SESSION – PUBLIC MEETING ROOM.

I. REVIEW UPCOMING AGENDAS (REZONING, CONDITIONAL USE, CONDITIONAL USE PLANNED DEVELOPMENTS OR SUBSTANTIAL ACCORD PROPOSALS SCHEDULED FOR FUTURE MEETINGS).

Ms. Jane Peterson apprised the Commission of the caseload agendas for September, October, November and December 2015.

II. REVIEW DAY'S AGENDA (ITEMS TO BE CONSIDERED AT THE 6:00 P.M. SESSION).

Ms. Jane Peterson provided an overview to the Commission of the eleven (11) cases for today's agenda.

III. REVIEW WORK PROGRAM.

There were no questions relative to the Work Program.

IV. REVIEW PLANNING COMMISSION FOLLOW-UP ITEMS.

There were no questions relative to the Follow-Up Items List.

V. DISCUSSION OF DEFERRAL OF BIKEWAYS & TRAILS PLAN (14PJ0129).

Mr. Kirk Turner stated that due to a heavy case load, Staff is proposing to defer the hearing of Bikeways & Trails Plan to a later date. The Commission was asked to consider deferring the Plan to the November 17th meeting. Other options were suggested to include deferring the Plan to the October 20th meeting or holding a second meeting in September. Mr. Turner asked the Commission to consider the logistical burden placed upon Staff by

holding two (2) Planning Commission meetings in the same month prior to making their decision.

There was discussion among the Commissioners regarding postponing the public hearing. Mr. Gulley stated it is his understanding that Mr. Gecker would like the Plan as an agenda item and to be heard in October. Mr. Patton stated Ms. Jaeckle prefers the public hearing take place in September. Mr. Gulley stated that his Board member would like to have it move forward as well.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to move the public hearing from September 15 to the October 20, 2015 Planning Commission public meeting.

AYES: Messrs. Gulley, Waller, Patton and Wallin.
ABSTAIN: Dr. Brown.

VI. DISCUSSION OF PROPOSED CODE AMENDMENT RELATIVE TO SIGN STANDARDS (15PJ0117).

Mr. Ray Cash presented an overview of the Proposed Code Amendment Relative to Sign Standards. This change came about as a result of a Supreme Court ruling. There were no questions from the Commission for Mr. Cash.

VII. UPDATE ON CAPITAL CONSTRUCTION GOALS & ACCOUNTABILITY COMMITTEE.

Dr. Wallin distributed an agenda for the August 19, 2015 meeting. He stated it is hoped that the master project scheduling will evolve into a total project verses individual projects. Dr. Wallin stated the importance of looking at the bond referendum for all schools, not just for one (1) or two (2). Understanding that construction cost will increase with time, he would also like to know where everything stands in regards to the original time lines for the projects.

There was general discussion regarding the format of the meetings. It was acknowledged that committee members have asked questions that have not yet been answered. It was stated that the committee sets and adheres to a time frame on the meetings.

Dr. Wallin stated he would take any issues or questions the Commission has and submit them in person or in writing to the co-chairs of the committee.

Mr. Waller asked if Agenda Item E2, "Next Meeting Agenda Topics, Committee member input for other topics," referred to the September meeting. Dr. Wallin concurred that to be his understanding.

Mr. Waller asked if there was a sunset provision and if the committee would cease to exist December 31st. Dr. Wallin stated that it had not been discussed.

Dr. Wallin referenced the minutes that address the functionality of the Committee.

VIII. RECESS.

There being no further business, the Commission recessed the Afternoon Session at approximately 4:35 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m. for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public meeting.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER.

Mr. Gulley called the meeting to order.

II. INVOCATION.

Mr. Gulley presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led in the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agendas for September, October and November 2015 and stated there are currently no cases for December.

V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

VI. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VII. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES, AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizen comments on unscheduled matters.

VIII. **PUBLIC HEARING, CONSIDERATION OF THE FOLLOWING PROPOSALS IN THIS ORDER.**

- **DEFERRAL REQUEST BY APPLICANT – SUBSTANTIAL ACCORD.**

- C. **15PD0192***: (AMENDED) In Clover Hill Magisterial District, **Chesterfield County Parks and Recreation** requests substantial accord determination to permit special purpose park expansion and amendment of zoning district map in Residential (R-7 and R-9) Districts on 56.1 acres lying off the north lines of Gravier and Clintwood Roads and the eastern terminus of Puckett Place. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 743-689-6438 and 745-688-Part of 2330.

Mr. Stuart Connock, the applicant's representative, requested deferral of the case to the regularly scheduled February 2016 Planning Commission public meeting. He stated the six (6) month deferral would allow time to address the numerous questions and concerns that have been presented by the public and members of the Commission.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Gulley stated this is a land dedication and as such, the Commission requested that Environmental Engineering and Parks and Recreation do a comprehensive study to determine if a liability exists with accepting the land dedication. Mr. Gulley acknowledged his desire to avoid placing the county or the taxpayers of the county in a position of paying for litigation costs that may arise from an unstudied land dedication and reiterated that the studies being requested are ones the county would have performed had it been in the process of purchasing the land.

Mr. Gulley expressed his concern with Staff walking through land that is currently heavily vegetated. His preference is for the studies to take place during fall and winter when there would be better visibility to see where potential trail routes could be placed and how they would look in relation to adjacent homes.

Mr. Waller stated he hopes that going forward as part of the Plan, we are reviewing our site acquisition program and how we go about handling the site selection process. Additionally, he would like to see comments from Mr. Gulley taken to heart and exercised by Staff so we can enhance how we carry out site acquisition processes.

In response to a question from Mr. Patton relative to tax implications, Mr. Connock stated the individuals making the donation have been contacted and they have no opposition to deferring the case into next year.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 15PD0192 to the regularly scheduled February, 2016 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- K. **15SN0671**: In Midlothian Magisterial District, **James Barnett and Barnett's Heating and A/C Inc.** request renewal of conditional use (Case 07SN0143) to permit a contractor's shop and storage yard and amendment of zoning district map in an Agricultural (A) District on .6 acre known as 1224 Crowder Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Village Shopping District uses. Tax ID 729-708-2499.

Mr. James Barnett, the applicant, accepted the Midlothian District Commissioner's recommendation to defer the case for sixty (60) days to the October 20, 2015 Planning Commission public hearing.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Waller stated that he is in favor of deferring the case based upon receiving one (1) letter of opposition and the need for a community meeting.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to defer Case 15SN0671 to the October 20, 2015 Planning Commission public meeting.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- **CONSENT ITEMS – CONDITIONAL USES, CONDITIONAL USE PLANNED DEVELOPMENTS AND REZONINGS.**

- D. **15SN0607***: In Bermuda Magisterial District, **Udell Neal Brenner** requests rezoning from Agricultural (A) to General Industrial (I-2) and amendment of zoning district map on 33.5 acres lying 800 feet off the west line of Jefferson Davis Highway, 3225 feet south of Forest Lake Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 799-645-1518.

Mr. Derrick Johnson, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Patton stated there was a community meeting held for this request and the challenge with the site dealt with Environmental Engineering and an egress issue. He stated the applicant worked well with Staff, addressed citizen concerns, and no longer has opposition to the request.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0607 and acceptance of the following proffered condition:

PROFFERED CONDITION

Utilization of the existing access driveway across the Ashton Creek Flood Plain by additional development facilities shall not take place unless improvements to the satisfaction of the Director of Environmental Engineering or as allowed by the Board of Zoning Appeals have been implemented. The acquisition of a supplemental access not involving the Ashton Creek Flood Plain may serve to mitigate the level of improvement to the existing driveway that would be required by the Director. (EE)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- E. **15SN0636***: In Midlothian Magisterial District, **Karl Johnson** requests rezoning from Community Business (C-3) and Residential (R-7) to Community Business (C-3) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 2.2 acres located in the southeast corner of Midlothian Turnpike and Le Gordon Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Village Fringe Area use. Tax ID 725-708-Part of 9743.

Mr. Karl Johnson, the applicant, accepted staff's recommendation and accepted the proffered conditions as noted in the staff report.

Mr. Gulley opened the floor for public comment.

Mr. Dennis Shand, from Midlothian Wood, came forward to express concerns relative to access safety, accommodating left turn and through movements southbound on LeGordon Drive; the requested setback exceptions; and the lack of public awareness and participation at the two (2) community meetings.

Ms. Marilyn Mare, from Midlothian Wood, came forward to voice concerns about the traffic that is already causing problems at the corner of Rt. 60 and LeGordon Drive.

In rebuttal, Mr. Karl Johnson came forward and stated he will work diligently with the County to make sure all traffic concerns are addressed.

Mr. Waller questioned if the case should be pushed to discussion to address concerns.

Mr. Gulley stated he understood the comments to be a request for Transportation to address the traffic concerns.

There being no one else to speak, Mr. Gulley closed the public hearing.

Mr. Waller acknowledged the congestion concerns at the intersection and noted the issues expressed have been taken into consideration when reviewing intersection improvements. He noted the setback exceptions are a reflection of a concept generally supported by the Village Coalition relative to pulling buildings closer to the street, rather than parking

Mr. Waller stated he relied on the applicant to mail the adjoining adjacent notices pertaining to the neighborhood meetings. He also sent emails to entities, individuals, and HOAs, and addressed the responsibilities of HOAs to notify the neighbors in a timely manner of pending meetings on zoning cases.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0636, and acceptance of the following proffered conditions and textual statement:

PROFFERED CONDITIONS

1. Master Plan: The Textual Statement last revised July 24, 2015 shall be considered the Master Plan. (P)
2. Stormwater Management: Development shall be designed to store a 10 year post development storm and release at a 10-year pre-development storm. (EE)
3. Uses:
 - a. Permitted uses shall be uses permitted by right, or with restrictions, in the Community Business (C-3) District except for the uses listed below, which shall be prohibited:
 - i. Alternative Financial Institutions
 - ii. Cocktail Lounges or Nightclubs
 - iii. Coin Laundry
 - iv. Commercial Kennels
 - v. Communication towers
 - vi. Fraternal Uses
 - vii. Feed, seed and ice sales
 - viii. Funeral Home or Mortuary
 - ix. Gasoline Sales
 - x. Halfway Houses
 - xi. Home Centers

- xii. Hospitals
- xiii. Hotels
- xiv. Indoor or Outdoor Flea Markets
- xv. Material reclamation and recycling centers
- xvi. Motor Vehicle Sales, Repair, Service and Rental, including Motor Vehicle Consignment lots
- xvii. Motor Vehicle Wash
- xviii. Outside Public Address systems
- xix. Park and ride lots
- xx. Tattoo Parlors
- xxi. Taxidermies
- xxii. Theaters, including drive-in
- xxiii. Veterinary Hospital with outside runs.

- b. A maximum of one (1) restaurant, with a drive-in window, shall be permitted on the property. The restaurant with a drive-in window shall be located within 200 feet of Midlothian Turnpike. (P)

- 4. Hours of Operation: Hours of operation shall be limited to between the hours of 5:00 a.m. and midnight. (P)

- 5. Road Improvements: Prior to issuance of an occupancy permit, the following road improvements shall be provided. The exact design and length of these improvements shall be approved by the Transportation Department:

- a. Construction of an additional lane of pavement along Le Gordon Drive for the entire property frontage.
- b. Full cost of traffic signal modification at the Le Gordon Drive/Winterfield Road/Route 60 intersection.
- c. Construction of a sidewalk along the south side of Route 60 and along the east side of Le Gordon Drive for the entire property frontage.
- d. Dedication to Chesterfield County, free and unrestricted, of any additional right of-way (or easements) required for the improvements identified above. (T)

- 6. Access: No direct vehicular access shall be provided from the property to Midlothian Turnpike (Route 60). Direct vehicular access from the property to Le Gordon Drive shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)

- 7. Architectural Treatment: Unless deviations are approved by the Planning Commission during site plan review, the architectural treatment of the buildings shall be compatible and consistent with Exhibit B, which is composed of two documents entitled 1) LeGordon Drive Retail Building, prepared by Douglas

Bollinger & Associates, Inc., and dated July 17, 2015 and last revised on July 22, 2015 and 2) LeGordon Drive Restaurant, prepared by Douglas Bollinger & Associates, Inc., and dated July 17, 2015 and last revised on July 21, 2015. The following shall also be required:

- a. Buildings shall incorporate equal four sided architecture such that no building exterior (whether front, side or rear) shall consist of inferior materials or be inferior in quality, appearance or detail to any other exterior of the same building.
 - b. Vertical architectural façade features shall be continued a minimum of ten (10) feet in depth from the building facade.
 - c. Each entrance shall be accentuated with architectural features to include, but not limited to, structured overhangs and/or awnings.
 - d. All building mounted lighting shall be compatible with the overall architectural style.
 - e. The color palette shall be limited to neutral and earth-toned colors, unless otherwise approved by the Planning Department at the time of plans review.
 - f. Drive-in windows shall be screened to reduce visibility of the drive-in windows from public streets. This screening shall be accomplished by building design, the use of durable architectural walls constructed of materials and with a design comparable to the principle building. Such screening shall be approved by the Planning Department in conjunction with plan approval.
 - g. Building facades shall be designed such as to create the appearance of multiple, traditional storefronts. Facades facing Le Gordon Drive and Midlothian Turnpike shall incorporate storefront windows, and other architectural treatments, and landscaping in order to provide relief to such facades.
 - h. Building materials for the wall façade shall be limited to brick, cementitious siding or any other high-quality building material, as approved by the Planning Department. Metal panels, metal or vinyl siding, and EIFS shall be prohibited. The roof shall be composed of 30-year dimensional shingles, slate shingles and/or standing seam metal.
8. Site Layout: The site shall be designed as generally depicted on Exhibit A, as prepared by Townes Site Engineering, titled "151 LeGordon Drive, Conceptual Layout" and dated July 23, 2015, however, the exact location of the buildings and parking may be modified, as approved by the Planning Department, provided the general intent of the plan is maintained with respect to buildings "fronting" Le

Gordon Drive, with no parking or driveways between the buildings and the roads. This shall not preclude parking or drive aisles to be located between the corner building and LeGordon Drive. (P)

9. Internal Sidewalks: The project shall incorporate an internal system of five (5) feet wide sidewalks, which shall provide internal pedestrian access between uses, and shall connect to the sidewalks along LeGordon Drive and Midlothian Turnpike, as well as to the adjacent properties to the south and east. These pedestrian areas/walks shall:

- a. Internal crosswalks shall be constructed of stamped concrete or other decorative paving units. All other pedestrian areas/walks may be concrete.
- b. Include pedestrian style lights, and
- c. Incorporate benches, landscaped areas and other pedestrian elements.

The exact design shall be approved by the Planning Department at the time of site plan review. (P)

10. External Lighting: Lighting along the perimeter of the development adjacent to LeGordon Drive and Midlothian Turnpike shall be of a pedestrian scale. Light fixtures shall be installed with a design consistent with the Midlothian Village Guidelines and spaced as may be approved by the Planning Department at time of site plan review. The project shall also have an internal system of outdoor lighting consistent with the pedestrian scale of the development, as approved by the Planning Department at time of site plan review. (P)
11. Parking Lot Lighting: Parking lot lighting shall be limited to a maximum of 20 feet in height. All light poles and fixtures shall be ornamental and shall be approved by the Planning Department at the time of site plan review. (P)
12. Dumpster Service: Dumpster service shall not be allowed between 7:00 p.m. and 7:00 a.m. (P)

TEXTUAL STATEMENT

Rezone from Residential (R-7) and Community Business (C-3) to Community Business (C-3) with Conditional Use Planned Development (CUPD) to permit exceptions to Ordinance requirements as described herein and as provided in the accompanying proffered conditions.

The request contains two (2) exhibits: Exhibit A – Conceptual Site Layout and Exhibit B – Conceptual Elevation Drawings.

1. Setbacks: Except as necessary to install required landscaping, street trees, lighting and sidewalks, minimum setbacks shall be as follows:

- a. Five (5) foot building, drive aisle and parking area setback adjacent to the southern and eastern property lines, with the installation of Perimeter Landscape B.
 - b. Ten (10) foot building setback adjacent to Le Gordon Drive, with the installation of Perimeter Landscape D and large deciduous street trees, planted forty (40) feet on center.
 - c. Five (5) foot parking and drive aisle setback adjacent to Le Gordon Drive, with the installation of Perimeter Landscape D and large deciduous street trees, planted forty (40) feet on center. This setback shall be permitted within 200 feet of Midlothian Turnpike. Elsewhere, the minimum setback for drive aisle and parking areas adjacent to Le Gordon Drive shall be ten (10) feet.
 - d. Five (5) foot building, drive aisle and parking area setback adjacent to Midlothian Turnpike, with the installation of Perimeter Landscape D and large deciduous street trees, planted forty (40) feet on center.
2. Parking: Parking space requirements shall be reduced to 4.0 spaces per 1000 square feet of building area.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- F. **15SN0651***: In Midlothian Magisterial District, **Ediberto Hernandez Castillo** requests conditional use to permit a business (tree service) incidental to a dwelling and amendment of zoning district map in a Residential (R-7) District on 1 acre known as 6712 Walmsley Boulevard. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Mixed Use Corridor use. Tax ID 767-695-5368.

Mr. Ediberto Castillo, the applicant, accepted staff's recommendation and proffered conditions noted in the staff report. Ms. Marissa Marklevitz served as translator.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Waller stated the request complies with The Comprehensive Plan and is not out of character with other similar cases for this type of use.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0651 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This Conditional Use approval shall be granted exclusively to Heriberto Hernandez Castillo, and shall not be transferable with the land. (P)

2. Use: This Conditional Use approval shall be for the operation of a business (tree service), incidental to a dwelling. (P)
3. Time Limitation: This Conditional Use approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)
4. Equipment Storage: As a part of this business the following equipment and material may be stored on the property. No other equipment for this use may be allowed:
 - Trailer
 - Wood Chipper
 - Stump Grinder
 - Dump Truck
 - Pickup Truck
 - Firewood (P)
5. Location of Use: The use shall be confined to the rear of the property. (P)
6. Screening: A minimum six (6) foot high privacy fence shall be installed to screen the outside storage area from adjacent properties and from public rights-of-way. The fence shall be constructed as a board-on-board fence and shall be installed within 90 days of approval of this request. (P)
7. Employees and Clients: No more than three (3) employees shall be permitted to work on the premises other than family member employees that live on the premises. No clients shall be permitted on the property. (P)
8. Signage: There shall be no signs identifying this use. (P)
9. Hours of Operation: Movement of equipment shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- H. **15SN0667**: In Clover Hill Magisterial District, **Volvo of Midlothian** requests amendment of conditional use planned development (Case 13SN0504) relative to signage and amendment of zoning district map in General Business (C-5) and Light Industrial (I-1) Districts on 10.1 acres located in the southwest corner of Midlothian Turnpike and Moorefield Park Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office, Research and Development and Light Industrial uses. Tax ID 750-707-3286.

Mr. Ronald Ferguson, the applicant's representative, accepted staff's recommendation and the proffered condition as noted in the staff report.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Gulley stated the case is in keeping with the compatibility of area dealerships, and he is in support of the case.

On motion of Mr. Gulley, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 15SN0667 and acceptance of the following proffered condition:

PROFFERED CONDITION

The auto dealership shall be permitted two (2) freestanding signs not to exceed a total of one hundred and fifty (150) square feet. An additional freestanding sign shall be permitted for the auto dealership along the north-south roadway. Other than directional signs and a sign identifying the industrial park, no other freestanding signs shall be permitted.

- i. Sign A, shown on Exhibit C, shall not exceed one hundred (100) square feet and thirty-five (35) feet in height.
- ii. Sign B, shown on Exhibit C, shall not exceed fifty (50) square feet and ten (10) feet in height.
- iii. Sign C, shown on Exhibit C, shall not exceed forty-two (42) square feet and twenty (20) feet in height. (P)

(Staff Note: This Proffered Condition supersedes Proffered Condition 1 of Case 13SN0504.)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

• **CONDITIONAL USES, CONDITIONAL USE PLANNED DEVELOPMENTS AND REZONINGS - OTHER.**

- A. **12SN0154***: (AMENDED) In Dale Magisterial District, **Charles Edward Townes, Managing Partner and Dominion Investment Partners, LLC** request amendment of zoning (Case 06SN0121) to reduce cash proffers and amendment of zoning district map in a Residential Townhouse (R-TH) District on 30 acres fronting in two (2) places for a total of 1,135 feet on the north line of Genito Road, across from Genito Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for High Density Residential use (minimum 8.0 to 12.0 dwellings per acre). Tax IDs 747-681-7089, 747-682-7022 and 8276; and 748-681-0499.

Ms. Darla Orr presented an overview and staff's recommendation for denial as the request fails to address development impacts for age restricted units as the cash proffer for schools component is not included in the request.

Mr. Kerry Hutcherson, the applicant's representative, requested the Commission's support for this case noting the cash proffers address both age-restricted and non-age restricted housing, indicating that for age-restricted housing they are not addressing the impact on schools because they submit there are no impacts.

He also pointed out that the Board of Supervisors has historically approved cash proffers that do not include payment for schools just for age-restricted dwellings.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Dr. Brown stated the case was filed by the previous owner of the property with the hope that the Board would remove all cash proffers. He acknowledged that this is the same case, but with new owners, who have modified the request to address full cash proffers with certain exceptions. He stated there is a need for residential development in supporting area businesses. He also acknowledged that access to Powhite and Route 288 makes it a good place for people to live and commute to and from work.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 12SN0154, as amended, and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Numbers 747-681-7089; 747-682-7022 and 8276; and 748-681-0499 ("the Property") under consideration will be developed according to the following amended proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

With the approval of this request, Proffered Condition 4 of Case 06SN0121 shall be amended as follows. All other conditions of Case 06SN0121 shall remain in force and effect.

- 1) Cash Proffers. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the service district for the property unless state law prevents enforcement of that timing:

- a) \$18,966.00 per dwelling unit, for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost Index during that time period.
- b) \$11,152.00 per dwelling unit, for age restricted dwelling units, for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost Index during that time period. The \$11,152.00 will be allocated pro-rata among the categories for parks and recreation, fire, libraries and roads.
- c) Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- d) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
- e) Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. If Chesterfield should adopt a "workforce" or "affordable" housing program which eliminates or permits a reduced cash proffer, the cash proffer for any dwelling unit on the Property that is designated as "workforce" or "affordable" housing, that meets all the requirements of the adopted "workforce" or "affordable" housing program, and for which a cash proffer has not yet been paid shall be adjusted to be consistent with the approved "workforce" or "affordable" housing program. (B& M)

The applicant offers the following additional proffered condition:

- 2) Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units shall be permitted to be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. Any unit's subject this occupancy restriction shall be identified on all record plats. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- B. **13SN0110***: (AMENDED) In Matoaca Magisterial District, **Chesterfield DD, Inc.** requests rezoning from Residential Townhouse (R-TH) to Multifamily Residential (R-MF) plus conditional use planned development to permit exceptions to ordinance requirements and

amendment of zoning district map on 85.4 acres fronting 460 feet on the south line of Hull Street Road, across from Cosby Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential use (minimum 4.0 to 8.0 dwellings per acre), Suburban Residential I use (maximum of 2.0 dwellings per acre) and Neighborhood Business uses. Tax IDs 717-669-2537; and 717-670-1030, 1751, 2877 and 8050.

Ms. Darla Orr presented an overview and staff's recommendation for denial as the request fails to fully address development impacts for age restricted units and units with two (2) or fewer bedrooms.

Mr. Gulley asked how the county would know which units would be age restricted.

Ms. Orr stated that the applicant is required to identify which units are age-restricted on any plan approval.

In response to a question from Mr. Waller, Ms. Orr stated the changes between the original staff report and the addendum, noting only one (1) group care facility would be permitted, being either Tract A or Tract B, and would be located internally to the project, architecturally compatible and incidental to multi-family development.

Dr. Wallin highlighted that a significant pedestrian enhancement to area neighborhoods would be a sidewalk along the collector road.

Upon request, Mr. Jesse Smith came forward and stated the projected sidewalk to be about 1500 feet.

In response to a question from Mr. Waller relative to the parallel road, Mr. Jesse Smith stated the road would be constructed as the development occurs and in the State system within two (2) years of the initial recordation of the subdivision plat.

There was general discussion among Mr. Waller, Dr. Wallin, Dr. Brown, and Mr. Smith in regards to a realistic time frame regarding road completion, acknowledging that it would be prior to any construction on Section A or C.

Mr. Waller stated he would feel more secure knowing the completion was tied to a Certificate of Occupancy.

Mr. Jack Wilson, the applicant's representative, requested approval from the Commission. He acknowledged that the applicant is making significant architectural commitments through proffers and a Textual Statement. He proposed an additional amendment to the portions of the Textual Statement addressing exterior facades (Section III (Tract A), H, C, e – Section IV (Tract B), I, 3, e – and Section V (Tract C), I, 3, e.) to limit the use of vinyl on any facade to a maximum of forty (40) percent.

He noted that any final approval will come back to Commission regarding building elevations to ensure compliance with any architectural standards listed in the Textual

Statement; significant landscaping provisions; and sidewalks throughout the community to add to the connectivity between the tracts and existing neighborhoods. They are also proposing that any stormwater management facility include a water feature such as some type of fountain.

There have been three (3) community meetings. The applicant has addressed concerns and interest from the neighbors in Ashbrook by agreeing to extend the length of the sidewalk. They have also addressed visual concerns from the neighbors in Hampton Park by agreeing to place an active/passive outdoor recreation area adjacent to Hampton Park.

Mr. Wilson addressed a concern regarding schools, stating they have proffered all but twelve (12) multifamily units to be two (2) bedrooms or less as they feel the current demand calls for two (2) bedroom units to minimize the impact on schools.

Mr. Wilson clarified the request to involve three (3) separate tracts of land and the desire of the applicant/owner to reserve Tract A for future commercial development.

In response to a question from Mr. Gulley regarding the road infrastructure B, Mr. Wilson stated the road infrastructure for Tract A would come forward when Tract A is developing and that Ashbrook Parkway, the connector, would take place with Tract B. Ashbrook Parkway would be the main thoroughfare network for any of the units in Tract B.

Mr. Gulley asked if they plan to connect commercial with residential (Tracts A and B), which is something the County does not traditionally do.

Mr. Wilson stated they would be looking at creating synergy and it will be more of an integrated smaller neighborhood business verses a big box.

Mr. Gulley stated he would not want a big commercial use backed up to the residential component.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Dr. Wallin commended Mr. Wilson and Staff for working hard on what has been one of the most challenging cases he has dealt with since being on the Commission. He acknowledged great participation in community meetings and how people can have a big impact on the direction of zoning cases.

Mr. Waller expressed concerns about the school numbers on page 39 of the staff report and how a conclusion was made that two (2) bedroom and one (1) bedroom units do not generate students.

There was concern shared among the Commission on the accuracy of data regarding school enrollment, research method, and projected growth.

In response to a question from Mr. Gulley relative to capacity numbers Ms. Atonja Allen, Schools Planning Administrator, replied the capacity analysis is for schools only. She stated their projection model is not specific to this particular project.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 13SN0110 and acceptance of the following proffered conditions and textual statement:

PROFFERED CONDITIONS

The property owner and applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors and assigns, proffer that the property under consideration ("the Property") will be developed according to the following proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Plan titled "Madison Crossing-Master Plan" prepared by Townes Site Engineering dated April 10, 2015, and the Textual Statement last revised August 18, 2015, shall be considered the Master Plan. (P)
2. Utilities. The public water and wastewater systems shall be used. (U)
3. Cash Proffers. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the service district for the Property, unless state law prevents enforcement of that timing:
 - A. For all dwelling units constructed with three (3) or more bedrooms:
 1. \$18,966.00 per dwelling unit for the period beginning July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change to the Marshall and Swift Building Cost Index during that time period.
 2. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
 - B. For all dwelling units constructed with two (2) or fewer bedrooms:

1. \$11,152.00 per dwelling unit, allocated on a pro-rata basis among the categories for parks, libraries, fire and roads, for the period beginning July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change to the Marshall and Swift Building Cost Index during that time period.
 2. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- C. Provided, however, that if any building permits issued on the Property are for senior housing, as defined in the proffer on age restriction, the applicant, sub-divider, or assignee(s) shall pay \$11,152.00 per dwelling unit, allocated on a pro-rata basis among the categories for parks, libraries, fire and roads, for the period beginning July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change to the Marshall and Swift Building Cost Index during that time period.

Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.

- D. Off-site Transportation Credit. If the developer constructs all of the improvements with initial development of the Property as described in Proffer Condition 8.A., as determined by the Transportation Department, a credit for the road improvements in a total amount of \$3,229,471 (the "Credit") shall be allocated equally to the dwelling units on the Property on a pro-rata basis and shall reduce the road portion of the cash proffer payments set forth in Paragraphs 3A, 3B and 3C above until such time as the Credit is extinguished. After that occurs, the applicant, subdivider, or assignee(s) shall commence paying cash proffers in accordance with that set forth in Paragraphs 3A, 3B and 3C above. The Credit shall remain set for the period beginning July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change to the Marshall and Swift Building Cost Index during that time period. Thereafter, the Credit amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- E. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M and T)

4. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, occupancy of dwelling units shall be permitted to be restricted to “housing for older persons” as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. All age restricted dwelling units shall be identified on all site and subdivision plans for buildings containing such age restricted units. (B&M, P)
5. The developer shall make a payment of \$200 per acre (not to exceed an aggregate payment of \$17,076.00 based upon a total of 85.4 acres) to the County toward the expansion of the Dry Creek Wastewater Pumping Station. These payments shall be made prior to the issuance of the first building permit, unless the developer submits and the County approves a phasing schedule for the payment of such fees in accordance with the phases in which the Property is developed. (U)
6. Dedications.
 - A. Prior to any site plan approval for Tract A or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, 100 feet of right-of-way along Hull Street Road (Route 360), measured from the centerline of that part of Route 360 immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - B. Prior to any site plan approval for Tract B, in conjunction with the recordation of the initial subdivision plat for Tract C, or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, a ninety (90) foot wide right-of-way for an east/west major arterial (“Ashbrook Parkway”) shall be dedicated from the eastern Property line to the western Property line, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department, and shall be generally located as shown on the Master Plan. (T)
7. Access.
 - A. Direct vehicular access to and from the Property onto Route 360 shall be limited to one access that aligns the existing crossover at Cosby Road. The approved access shall be designed and constructed to preclude vehicles exiting the Property from traveling west on Route 360. The exact location and design of the access shall be approved by the Transportation Department
 - B. Prior to any site plan approval for Tract B or any tentative subdivision plat approval for Tract C, whichever occurs first, an access plan for Ashbrook

Parkway shall be submitted to and approved by the Transportation Department. Direct vehicular access from the Property to Ashbrook Parkway shall conform to the approved access plan. (T)

8. Road Improvements.

A. With initial development on Tract A or Tract B, whichever occurs first, the following improvements shall be completed, as determined by the Transportation Department:

- i. Construction of two lanes of Ashbrook Parkway to VDOT urban minor arterial standards with a 50 mph design speed, with any modifications approved by the Transportation Department, from its terminus approximately 1,000 feet east of Hampton Park Drive to its terminus at Shady Banks Drive. The exact length, location and design of this improvement shall be approved by the Transportation Department. The section of Ashbrook Parkway that crosses the stream shall be constructed with box culverts such that aquatic wildlife can pass through. Notwithstanding the foregoing, the Transportation Department shall approve the location of the two lane section of Ashbrook Parkway adjacent to Ashbrook Subdivision as far north within the existing right of way as practicable.
- ii. Construction of a sidewalk along the north side of Ashbrook Parkway and existing Ashbrook Parkway from the western Property line to the Ashlake Parkway intersection; exclusive of the area of the proposed structure that crosses the stream located along the eastern Property line. In the area of the proposed structure, a paved shoulder shall be provided, as determined by the Transportation Department.
- iii. Dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements.

B. With initial development of Tract A, the following improvements shall also be completed, as determined by the Transportation Department:

- i. Construction of an additional lane of pavement along the eastbound lanes of Route 360 for the entire Property frontage.
- ii. Construction of additional pavement along the eastbound lanes Route 360 at the approved access to provide a separate right turn lane.
- iii. Construction of additional pavement along the westbound lanes of Route 360 to provide an adequate left turn lane, as determined by

the Chesterfield County Transportation Department, at the existing crossover that aligns the approved access.

- iv. Construction of a sidewalk along the south side of Route 360 for the entire Property frontage.
 - v. Dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements.
- C. With development of Tract B or Tract C, the following improvements shall also be completed, as determined by the Transportation Department:
- i. Construction of left and right turn lanes or roundabouts along Ashbrook Parkway, as approved by the Transportation Department, at each approved access as described in Proffered Condition 6.B. (T)
9. North/South Public Road.
- A. With development of Tract A, the following improvements shall be completed, as determined by the Transportation Department. Prior to any site plan approval, a phasing plan for the dedication and construction of this section of the North/South Public Road shall be approved by the Transportation Department:
 - i. Construction of a two-lane North/South Public Road from Route 360 at the approved access to the southern boundary of Tract A.
 - ii. Dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements.
 - B. With development of Tract B, the following improvements shall be completed, as determined by the Transportation Department. Prior to any site plan approval, a phasing plan for the dedication and construction of this section of the North/South Public Road shall be approved by the Transportation Department:
 - i. Construction of a two-lane North/South Public Road from Ashbrook Parkway to the northern boundary of Tract B.
 - ii. Dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements. (T)

TEXTUAL STATEMENT

- I. Rezone. This is a request to rezone approximately 84.82 acres (the "Property") currently zoned R-TH with Conditional Use Planned Development to Residential Multi Family (R-MF) with Conditional Use Planned Development to allow for group care facilities and residential townhouses and to permit ordinance exceptions as described herein, and as provided in the proffered conditions
- II. General Conditions for All Tracts.
 - A. Tract Modifications. To accommodate the orderly development of Tracts A, B and C ("Tracts"), the Tracts shall be located as generally depicted on the Master Plan entitled "Madison Crossing Master Plan" dated April 10, 2015, and attached as Exhibit A. Adjustments to the Tract boundaries shall be permitted at the time of Plans review provided the Tracts maintain their relationship to one another. However, Tract A shall not contain less than twenty (20) acres and Tract B shall not exceed thirty (30) acres.
 - B. Mixed Use Plan. Multi-Family Residential Units shall be permitted to be grouped together. If there is a desire to mix multifamily and assisted living units within a tract or subtract, the mixing may be permitted if a Mixed Use Plan is submitted to the Planning Department for review and approval and such plan shall be subject to appeal in accordance with the Zoning Ordinance for Site Plan appeals. The Mixed Use Plan shall address land use transitions and compatibility between the different uses within a Tract or subtract. Land use compatibility may include, but not limited to, the location of uses and site design.
 - C. Setbacks. Along all public roads connecting or designed to connect Ashbrook Parkway with Hull Street Road, setbacks shall be a minimum of ten (10) feet for parking and drives and a minimum of twenty-five (25) feet for buildings. Within these setbacks Perimeter Landscape C shall be installed.
 - D. Buffers. No buffers shall be required except for a fifty (50) foot buffer within Tract C along Ashbrook Parkway. Such buffer shall be provided in accordance with Zoning Ordinance requirements except that Perimeter Landscaping C shall be installed.
 - E. Water Features. All stormwater management facilities shall be designed as visual amenities to create water views. Such facilities shall include fountain type aerators.
 - F. Recreational Facilities. Within Tract B, a minimum 2,500 gross square foot community clubhouse, architecturally compatible with the multi-family buildings in Tract B, and a pool and playground area shall be provided. A certificate of occupancy shall be obtained for the clubhouse prior to issuance of a certificate of occupancy for the 150th dwelling unit. These amenities shall also serve Tract A

unless at Plans review for Tract A it is determined that the amenities are inadequate to serve the developments on both Tract A and B in which case Tract A will have its own facilities provided.

- G. Phasing. No multi-family dwelling units shall be developed on Tract A until after issuance of a certificate of occupancy for the 250th dwelling unit on Tract B.
- H. Density. The maximum number of residential dwelling units permitted on the Property shall be 570 units. This does not include any group care facility beds. Group care facility beds/units shall not be counted towards the maximum density unless such beds/unit are independent living units.
- I. Group Care Facility. *There shall be only one (1) group care facility permitted on the Property.*

III. Tract A.

Except as provided herein, development within this Tract shall comply with the Zoning Ordinance for uses within the Residential Multi-Family (R-MF) District

- A. Uses. Permitted uses shall include:
 - 1. Uses permitted by right or with restrictions in the Residential Multi-Family (R-MF) District.
 - 2. Group Care Facilities, provided:
 - a. the maximum number of beds for the facility shall be 60
 - b. the facility shall not be located on more than 10 acres
 - c. no building permit for the facility shall be issued until a minimum of 100 multifamily dwelling units have received certificates of occupancy within the same tract
 - d. the facility shall be located interior to the project. Multifamily residential uses shall be located between the facility and all property boundaries. Views of the facility from Hull Street Road and Ashbrook Parkway shall be minimized through use of site design, landscaping and/or setbacks, as determined by the Planning Department
 - e. such facility shall blend architecturally with the surrounding multifamily residential uses, as determined by the Planning Department.

- B. Bedrooms. With the exception of no more than twelve (12) 3-bedroom units, all units in Tract A shall have two (2) or fewer bedrooms.
- C. Density. A maximum of eight (8) units per gross acre shall be permitted. If a group care facility is developed the total number of dwelling units shall be reduced by eight (8) units for each one (1) acre or portion of each one (1) acre developed for the group care facility use.
- D. Height. Buildings shall not exceed a height of 50 feet or four (4) stories.
- E. Dwelling Units Per Building. No more than ten (10) dwelling units shall be permitted on any one floor level of a building, with no more than 40 (forty) dwelling units per building.
- F. Distance between Buildings. There shall be no minimum required distance between buildings.
- G. Setbacks for Buildings, Parking and Drives.
1. Buildings shall be setback as follows:
 - a. From interior private driveways and parking, a minimum of eight (8) feet;
 - b. From Tract boundary lines, a minimum of thirty (30) feet;
 - c. From perimeter property boundaries, a minimum of thirty (30) feet; and
 - d. From Hull Street Road, a minimum of fifty (50) feet.
 2. Parking and Drives shall be setback as follows:
 - a. From Tract boundary lines, a minimum of fifteen (15) feet.
 - b. From perimeter property boundaries, a minimum of thirty (30) feet.
 - c. From Hull Street Road, a minimum of fifty (50) feet.
 3. Landscaping within setbacks: Perimeter Landscaping C shall be installed in all setbacks from perimeter boundaries and from Hull Street Road.
 4. Focal Points. Open space of at least 0.75 acres shall be provided near the entrance off Hull Street Road to serve as a focal point for the development. The focal point shall be a mix of hardscape and open areas and include benches or other amenities to provide a place for gatherings and an identity for the project
- H. Development Standards.
- A. Sidewalks/Driveways

1. Sidewalks: Sidewalks shall be provided on both sides of any public road that connects or is designed to connect Ashbrook Parkway to Hull Street Road within Tract A and all streets that provide general circulation.
2. Driveways: All private driveways serving residential uses shall be asphalt or concrete. Private driveways shall not require curb and gutter unless such driveways provide access to parking for more than five (5) cars.
3. Front Walks: A minimum four (4) foot wide concrete front walk shall be provided in front of each building to connect building to parking and drives.

B. Landscaping

- a. Street Trees: Street trees shall be planted or retained along both sides of all streets that provide general circulation and any public roads connecting or designed to connect Ashbrook Parkway to Hull Street Road in accordance with Zoning Ordinance requirements for street trees. The street trees shall be in accordance with Section 19.1-250.D large deciduous trees.
- b. Supplemental Trees: Prior to the issuance of a Certificate of Occupancy for each multi-family unit building, a minimum of one additional tree for every five (5) units shall be planted in a courtyard or side yard area. Supplemental trees shall be at least 50% flowering trees, and the remainder shall be deciduous trees. Supplemental trees shall have a minimum caliper of 2" measured at breast height (4'-10" above ground) at the time of planting.
- c. Sodded Yard Areas: All contiguous yard areas along building fronts and all side yards that face a street shall be sodded and irrigated.
- d. Front Foundation Planting Bed: Foundation planting is required along the entire front facade of all units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs spaced a maximum of four (4) feet apart or an alternate plant variety approved at the time of Plan review. Unit corners shall be visually softened with vertical accent shrubs (4'-5') or small evergreen trees (6'-8') at the time of planting.

C. Architecture and Materials.

- a. Style and Form: The architectural styles shall be interpretations of traditional Richmond architecture, such as Georgian, Adam, Classical Revival Colonial, Greek Revival and Queen Anne.
- b. Architectural Compatibility. All buildings (whether multi-family or group care facilities) constructed shall be architecturally compatible with and substantially similar in style and quality to those constructed in Tract B. The final architectural elevations for Tract A shall be submitted to the Planning Commission for review and approval to ensure compliance with this condition.
- c. Architecture: *Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety while at the same time have an overall cohesive residential character.* Architectural treatment of all buildings shall utilize a mixture of design features. Design features shall include a combination of the following so buildings will have a residential character and the appearance of several small buildings clustered together in buildings of large mass: balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation and varied rooflines.
- d. Foundations: The exposed portion of any foundation shall be brick or stone. Synthetic or natural Stucco foundations shall be permitted for facades constructed primarily of stucco when the stucco is installed immediately above the foundation. Stepping the siding down below the first floor level is not permitted on any elevation of the unit.
- e. Exterior Facades: At least 60% of the front facades of all buildings shall be brick or stone masonry. The side or rear facade of any building that is visible from public streets shall have at least 60% brick or stone masonry. The height of the brick and stone shall be permitted to vary to allow for a mixture of design features. Measurement of the requirement for masonry facade treatment shall be exclusive of roof gable ends, windows, doors, balconies, porches and sunrooms. Other acceptable siding materials include stucco, synthetic stucco (E.I.F.S), and horizontal lap siding. Horizontal lap siding shall be manufactured from natural wood, cement fiber board, or may be premium quality vinyl siding. Plywood and metal

siding are not permitted. Painted wood trim is not permitted. Additional siding requirements:

- i. A variety of facing materials shall be used on any one façade of any unit. A maximum of three (3) facing materials may be used on any one facade of any unit.
 - ii. Brick sills shall be projected and brick heads at openings shall be traditional jack arches, circular arches, or soldier courses.
 - iii. Vinyl siding is permitted in traditional wide beaded styles only with a minimum 6-inch drop. Premium quality vinyl is defined as vinyl siding with a minimum wall thickness of .044". Cementitious siding shall have wood grain and not have a bead.
 - iv. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.
 - v. Exterior facades which face a public street shall have a formal arrangement and organization of elements including doors, windows, and trim and shall include porches, columns, cornices and trim.
- f. Roofs:
- i. Varied Roof Line. Varied roof designs and materials shall be used on building sections across the front façade of all buildings and rear facades of buildings that face a street.
 - ii. Roof Materials: Roofing material shall be dimensional architectural shingles with a minimum 30 year warranty. All flashing shall be copper or pre-finished aluminum (bronze or black).
- D. Balconies. All second, third and fourth floor dwelling units shall have either an open balcony or an enclosed sunroom with at least 50% of the units having open balconies. Balconies shall be covered, architecturally compatible with the building elevation, and shall be a minimum of six (6) feet in depth and sixty (60) square feet in area.

IV. Tract B.

Except as provided herein, development within this Tract shall comply with the Zoning Ordinance requirements for uses within the Residential Multi-Family (R-MF) District.

- A. Uses. Permitted uses shall include:
1. Uses permitted by right or with restrictions in the Residential Multi-Family (R-MF) District.
 2. Group Care Facilities, provided that:
 - a. the maximum number of beds for the facility shall be 60
 - b. the facility shall not be located on more than 10 acres
 - c. no building permit for the facility shall be issued until a minimum of 100 multifamily dwelling units have received certificates of occupancy within the same tract
 - d. the facility shall be located interior to the project. Multifamily residential uses shall be located between the facility and all property boundaries. Views of the facility from Hull Street Road and Ashbrook Parkway shall be minimized through use of site design, landscaping and/or setbacks, as determined by the Planning Department
 - e. such facility shall blend architecturally with the surrounding multifamily residential uses, as determined by the Planning Department.
- B. Bedrooms. With the exception of no more than twelve (12) 3-bedroom units, all units in Tract B shall have two (2) or fewer bedrooms.
- C. Density. A maximum of twelve (12) dwelling units per gross acre shall be permitted. If a group care facility is developed the total number of dwelling units shall be reduced by twelve (12) units for each one (1) acre or portion of each one (1) acre developed for the group care facility.
- D. Height. Buildings shall not exceed a height of 50 feet or four (4) stories.
- E. Dwelling Units Per Building. No more than ten (10) dwelling units shall be permitted on any one floor level of a building, with no more than 40 (forty) dwelling units per building.
- F. Distance between Buildings. There shall be no minimum required distance between buildings.
- G. Setbacks for Buildings, Parking and Drives.

1. Buildings shall be setback as follows:
 - a. From interior private driveways and parking, a minimum of eight (8) feet;
 - b. From Tract boundary lines, a minimum of thirty (30) feet;
 - c. From perimeter property boundaries, a minimum of thirty (30) feet; and
 - d. From Ashbrook Parkway, a minimum of fifty (50) feet.
 2. Parking and Drives shall be setback as follows:
 - a. From Tract boundary lines, a minimum of fifteen (15) feet.
 - b. From perimeter property boundaries, a minimum of thirty (30) feet.
 - c. From Ashbrook Parkway, a minimum of fifty (50) feet.
 3. Landscaping within setbacks: Perimeter Landscaping C shall be installed in all setbacks from perimeter property boundaries and from Ashbrook Parkway
- H. Focal Points. Open space of at least 0.75 acres shall be provided near the entrance off Ashbrook Parkway to serve as a focal point for the development. The focal point shall be a mix of hardscape and open areas and include benches or other amenities to provide a place for gatherings and an identity for the project
- I. Development Standards.
1. Sidewalks/Driveways
 - a. Sidewalks: Sidewalks shall be provided on both sides of Ashbrook Parkway within Tract B, any public roads connecting or designed to connect Ashbrook Parkway to Hull Street Road, and all streets that provide general circulation.
 - b. Driveways: All private driveways serving residential uses shall be asphalt or concrete. Private driveways shall not require curb and gutter unless such driveways provide access to parking for more than five (5) cars.
 4. Front Walks: A minimum four (4) foot wide concrete front walk shall be provided in front of each building to connect buildings to parking and drives.
2. Landscaping
 - a. Street Trees: Street trees shall be planted or retained along both sides of Ashbrook Parkway, any public roads connecting or designed to connect Ashbrook Parkway to Hull Street Road, and all streets that provide general circulation in accordance with Zoning Ordinance requirements for

street trees. The street trees shall be in accordance with Section 19.1-250.D large deciduous trees.

- b. Supplemental Trees: Prior to the issuance of a Certificate of Occupancy for each multi-family unit building, a minimum of one additional tree for every five (5) units shall be planted in a courtyard or side yard area. Supplemental trees shall be at least 50% flowering trees, and the remainder shall be deciduous trees. Supplemental trees shall have a minimum caliper of 2" measured at breast height (4'-10" above ground) at the time of planting.
- c. Sodded Yard Areas: All contiguous yard areas along building fronts and all side yards that face a street shall be sodded and irrigated.
- d. Front Foundation Planting Bed: Foundation planting is required along the entire front facade of all units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs spaced a maximum of four (4) feet apart or an alternate plant variety approved at Plan review. Unit corners shall be visually softened with vertical accent shrubs (4'-5') or small evergreen trees (6'-8') at the time of planting.

3. Architecture and Materials.

- a. Style and Form: The architectural styles shall be interpretations of traditional Richmond architecture, such as Georgian, Adam, Classical Revival Colonial, Greek Revival and Queen Anne.
- b. The final elevations for all buildings (whether multi-family or group care facilities) for Tract B shall be submitted to the Planning Commission for approval to ensure compliance with these requirements.
- c. Architecture: Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety while at the same time have an overall cohesive residential character. Architectural treatment of all buildings shall utilize a mixture of design features. Design features shall include a combination of the following so buildings will have a residential

character and the appearance of several small buildings clustered together in buildings of large mass: balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation and varied rooflines.

- d. Foundations: The exposed portion of any foundation shall be brick or stone. Synthetic or natural Stucco foundations shall be permitted for facades constructed primarily of stucco when the stucco is installed immediately above the foundation. Stepping the siding down below the first floor level is not permitted on any elevation of the unit.
- e. Exterior Facades: At least 60% of the front facades of all buildings shall be brick or stone masonry. The side or rear façade of any building that is visible from public streets shall have at least 60% brick or stone masonry. The height of the brick and stone shall be permitted to vary to allow for a mixture of design features. Measurement of the requirement for masonry facade treatment shall be exclusive of roof gable ends, windows, doors, balconies, porches and sunrooms. Other acceptable siding materials include stucco, synthetic stucco (E.I.F.S), and horizontal lap siding. Horizontal lap siding shall be manufactured from natural wood, cement fiber board, or may be premium quality vinyl siding. Plywood and metal siding are not permitted. Painted wood trim is not permitted. Additional siding requirements:
 - i. A variety of facing materials shall be used on any one façade of any unit. A maximum of three (3) facing materials may be used on any one facade of any unit.
 - ii. Brick sills shall be projected and brick heads at openings shall be traditional jack arches, circular arches, or soldier courses.
 - iii. Vinyl siding is permitted in traditional wide beaded styles only with a minimum 6-inch drop. Premium quality vinyl is defined as vinyl siding with a minimum wall thickness of .044". Cementitious siding shall have wood grain and not have a bead.
 - iv. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.

- v. Exterior facades which face a public street shall have a formal arrangement and organization of elements including doors, windows, and trim and shall include porches, columns, cornices and trim.
- f. Roofs:
 - i. Varied Roof Line. Varied roof designs and materials shall be used on building sections across the front façade of all buildings and rear facades of buildings that face a street.
 - ii. Roof Materials: Roofing material shall be dimensional architectural shingles with a minimum 30 year warranty. All flashing shall be copper or pre-finished aluminum (bronze or black).
- 4. Balconies. All second, third and fourth floor dwelling units shall have either an open balcony or an enclosed sunroom with at least 50% of the units having open balconies. Balconies shall be covered, architecturally compatible with the building elevation, and shall be a minimum of six (6) feet in depth and sixty (60) square feet in area.

V. Tract C.

Except as provided herein, development within this Tract shall comply with the Zoning Ordinance requirements for uses within the Residential Townhouse (R-TH) District.

- A. Uses. Uses shall be limited to those uses permitted by right or with restrictions in the Residential Townhouse (R-TH) District and neighborhood recreation use.
- B. Density. A maximum of fifty (50) townhomes shall be permitted.
- C. Dwelling Size. Each townhouse unit shall contain a minimum gross floor area of 1,360 square feet.
- D. Lot Area and Width. Each lot shall have an area not less than 1,500 square feet and a lot width of not less than nineteen (19) feet; except end lots in townhouse groups or rows shall have lot areas of not less than 1,900 square feet and lot widths of not less than twenty-six (26) feet.
- E. Percentage of Lot Coverage. All buildings, including accessory buildings, on any lot shall not cover more than sixty-five (65) percent of the lot's area.
- F. Setbacks: The following minimum setbacks shall be required:
 - 1. Front Yard: Ten (10) feet.

2. Side Yard: A side yard of not less than five (5) feet in width shall be provided for each end unit in townhouse groups or rows.
 3. Corner Side Yard: Ten (10) feet.
 4. Rear Yard: Twenty (20) feet.
- G. Group Design. The total number of lots within each attached group or row of townhouses shall not exceed eight (8) units. Units shall have varied setbacks by a minimum of two (2) feet from an adjacent unit.
- H. Focal Points. Open space of at least 0.75 acres shall be provided near the entrance off Ashbrook Parkway to serve as a focal point for the development. The focal point shall be a mix of hardscape and open areas and include benches or other amenities to provide a place for gatherings and an identity for the project.
- I. Development Standards.

1. Sidewalks/Driveways

- a. Sidewalks: Sidewalks shall be provided on both sides of Ashbrook Parkway within Tract C and all streets that provide general circulation.
- b. Driveways: All private driveways serving residential uses shall be asphalt or concrete. Private driveways shall not require curb and gutter unless such driveways provide access to parking for more than five (5) cars.
- c. Front Walks: A minimum four (4) foot wide concrete front walk shall be provided to each dwelling unit.

2. Landscaping

- a. Street Trees: Street trees shall be planted or retained along both sides of Ashbrook Parkway and all streets that provide general circulation in accordance with Zoning Ordinance requirements for street trees. The street trees shall be in accordance with Section 19-518.(b).(2) large deciduous trees.
- b. Supplemental Trees: Prior to the issuance of the certificate of occupancy, a minimum of one additional tree shall be planted in a courtyard or side yard area for each townhouse row. Supplemental trees shall be at least 50% flowering trees, and the remainder shall be deciduous trees. Supplemental trees shall have a minimum caliper of 2" measured at breast height (4'-10" above ground) at the time of planting.

- c. Sodded Yard Areas: All contiguous yard areas along building fronts and all side yards that face a street shall be sodded and irrigated.
- d. Front Foundation Planting Bed: Foundation planting is required along the entire front facade of all units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs spaced a maximum of four (4) feet apart. Unit corners shall be visually softened with vertical accent shrubs (4'-5') or small evergreen trees (6'-8') at the time of planting.

3. Architecture and Materials.

- a. Style and Form: The architectural styles shall be interpretations of traditional Richmond architecture, such as Georgian, Adam, Classical Revival Colonial, Greek Revival and Queen Anne.
- b. Architectural Compatibility. All townhouses constructed shall be architecturally compatible with and substantially similar in style and quality to those constructed in Tract B. The final architectural elevations for Tract C shall be submitted to the Planning Commission for review and approval to ensure compliance with this condition.
- c. Architecture. Buildings shall be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety while at the same time have an overall cohesive residential character. Architectural treatment of all buildings shall utilize a mixture of design features. Design features shall include a combination of the following so buildings will have a residential character and the appearance of several small buildings clustered together in buildings of large mass: balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation and varied rooflines.
- d. Foundations: The exposed portion of any foundation shall be brick or stone. Synthetic or natural Stucco foundations shall be permitted for facades constructed entirely of stucco. Stepping the siding down below the first floor level is not permitted on any elevation of the unit.

e. Exterior Facades: At least 60% of the front facades of all buildings shall be brick or stone masonry. The side or rear facade of any building that is visible from public streets shall have at least 60% brick or stone masonry. The height of the brick and stone shall be permitted to vary to allow for a mixture of design features. Measurement of the requirement for masonry facade treatment shall be exclusive of roof gable ends, windows, doors, balconies, porches and sunrooms. Other acceptable siding materials include stucco, synthetic stucco (E.I.F.S), and horizontal lap siding. Horizontal lap siding shall be manufactured from natural wood, cement fiber board, or may be premium quality vinyl siding. Plywood and metal siding are not permitted. Painted wood trim is not permitted. Additional siding requirements:

- i. A variety of facing materials shall be used on any one facade of any unit. A maximum of three (3) facing materials may be used on any one facade of any unit.
- ii. Brick sills shall be projected and brick heads at openings shall be traditional jack arches, circular arches, or soldier courses.
- iii. Vinyl siding is permitted in traditional wide beaded styles only with a minimum 6-inch drop. Premium quality vinyl is defined as vinyl siding with a minimum wall thickness of .044". Cementitious siding shall have wood grain and not have a bead.
- iv. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.
- v. Exterior facades which face a public street shall have a formal arrangement and organization of elements including doors, windows, and trim and shall include porches, columns, cornices and trim.

f. Roofs:

- i. Varied Roof Line. Varied roof designs and materials shall be used on building sections across the front façade of all buildings and rear facades of buildings that face a street.

- ii. Roof Materials: Roofing material shall be dimensional architectural shingles with a minimum 30 year warranty. All flashing shall be copper or pre-finished aluminum (bronze or black).

- J. Common Open Area. A minimum of twenty (20) percent of total gross acreage north of the RPA shown on Tract C on the Master Plan shall be provided as common open area, exclusive of driveways, parking areas and recreational areas. Within this area, a minimum common area of five (5) feet in width shall be provided adjacent to all groups of lots except where the groups front or abut a public street.
- K. Neighborhood Recreational Area. An area conveniently accessible to and included within the Tract consisting of not less than ten (10) percent of the gross acreage of the Tract shall be provided for suitable recreational use by the occupants and in no event shall less than one and one-half (1 ½) acres be provided. The area shall contain hardscaped areas, benches, landscaping, walking trails, a covered gazebo/picnic area and other amenities that facilitate outdoor gatherings. This recreational area shall be permitted to be located in the "BMP/Open Space Area" as shown on the Master Plan.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- G. **15SN0602:** In Bermuda Magisterial District, **Priority Auto – c/o Ellmer Properties and Pete Borches** request a conditional use to permit two (2) electronic message center signs plus conditional use planned development to permit exceptions to signage requirements and amendment of zoning district map in a General Business (C-5) District on 42.6 acres located at the south corner of Ruffin Mill Road and Walthall Drive; also fronting 2230 feet on the east line of Interstate 95, 1020 feet south of Woods Edge Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax IDs 804-637-4161, 5690 and 7907; 804-638-3807, 7102, 9415 and 9918; 805-636-0948; 805-637-0272 and 3003.

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial, stating the current sign standards provide sufficient freestanding sign area and height to identify commercial projects, a practical alternative exists and approval may encourage other businesses to seek similar exceptions.

Mr. Brennen Keene, the applicant's representative, requested approval from the Commission. He stated that one (1) of the justifications for the request deals with visibility. Not only will larger signs draw in customers, but they will also help direct and disperse traffic. He stated the request meets the policy for Electronic Message Center Signs and includes proffered conditions that address EMC policy standards.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Patton and Mr. Waller commended Mr. Keene for his rendering of the visibility issue and expressed their support of the request.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0602 and acceptance of the following proffered conditions and textual statement:

PROFFERED CONDITIONS

The Owners (the "Owners") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Numbers 804-637-7907, 805-637-0272, 805-637-3003, 805-636-0948, 804-637-4161, 804-637-5690, 804-638-3807, 804-638-7102, 804-638-9415, and 804-638-9918 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for a Conditional Use ("CUP") and Conditional Use Planned Development ("CUPD") is granted. In the event the request is denied or approved with conditions not agreed to by the Owners, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated September 29, 2014, last revised August 13, 2015, shall be considered the Master Plan. (P)
2. Sign Design. The project signs shall be constructed generally as shown on Exhibit A and Exhibit B. (P)
3. Electronic Sign. In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:
 - A. Copy shall be limited to a maximum of three (3) lines and shall not move but may fade.
 - B. The message or display shall be programed to change no more than once every thirty (30) seconds.
 - C. Sequential messaging shall be prohibited.
 - D. Flashing and traveling messages shall be prohibited.
 - E. Bijou lighting and animation effects shall be prohibited.

- F. The electronic message center shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the project it serves.
 - G. Brightness shall be limited so as not to exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of 100 feet. The computer-controlled, variable message, electronic sign shall have a photocell that automatically adjusts the brightness according to ambient light conditions.
- (P)

TEXTUAL STATEMENT

The Owners request a Conditional Use for an Electronic Message sign and a Conditional Use Planned Development ("CUPD") to permit zoning ordinance exceptions, as described below, for the C-5 General Business District zoned properties known as Chesterfield County Tax Identification Numbers 804-637-7907, 805-637-0272, 805-637-3003, 805-636-0948, 804-637-4161, 804-637-5690, 804-638-3807, 804-638-7102, 804-638-9415, and 804-638-9918.

EXCEPTION:

An exception of 50 square feet to the 50 square foot limit for project sign area and an exception of 5 feet to the 15 foot limit for sign height for each freestanding project sign (Exhibits A and B) as set forth in Sec. 19-649 of the County Zoning Ordinance.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- I. **15SN0669:** In Midlothian Magisterial District, **Brian A. Greene** requests conditional use to permit a business (tree service) incidental to a dwelling and amendment of zoning district map in an Agricultural (A) District on 1.4 acres known as 800 Ruthers Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51 to 4.0 dwelling units per acre). Tax ID 761-703-2752.

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial as the request does not comply with the Plan and could encourage commercial encroachment within a residential neighborhood.

Mr. Brian Greene, the applicant, requested approval from the Commission. Mr. Greene stated he has not run into problems with neighbors and has offered to help neighbors by providing free firewood. He stated that he has the support of his direct neighbors, but acknowledged he has not talked to all neighbors.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Waller referenced a neighborhood meeting held on July 7 in which eight (8) people attended, all of whom were in support of the request. He visited the property and stated it is not uncommon to similar requests. He is concerned that the property is in the Providence Middle School Revitalization area, and given that the program is in its infancy stage, he is concerned on granting the request for a five (5) year time frame.

Mr. Greene was asked if he would accept a time limitation of three (3) years instead of five (5). Mr. Green agreed to the change, and accepted the proffered conditions as noted in the staff report with the change to Proffered Condition 3 to read "a period not to exceed three (3) years".

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0669 and acceptance of the following amended proffered conditions:

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This Conditional Use approval shall be granted exclusively to Brian A. Greene, and shall not be transferable with the land. (P)

2. Use: This Conditional Use approval shall be for the operation of a contractor's office and storage yard (tree service business), incidental to a dwelling. (P)
3. Time Limitation: This Conditional Use approval shall be granted for a period not to exceed three (3) years from the date of approval. (P)
4. Equipment Storage: As a part of this business, the following equipment may be stored on the property:
 - a. One (1) bucket truck
 - b. One (1) grapple truck
 - c. One (1) chipper
 - d. Two (2) trailer
 - e. Two (2) loaders

No other equipment or materials may be stored on the property for this use. (P)

5. Location of Use: The use shall be confined to the existing dwelling, accessory buildings and the storage areas noted on Exhibit A, dated July 29, 2015. (P)
6. Employees and Clients: No more than five (5) employees shall be permitted to work on the premises. No clients shall be permitted on the property. (P)
7. Signage: There shall be no signs identifying this use. (P)
8. Hours of Operation: The contractor's office and storage yard (tree service business), to include the movement of equipment, shall be limited to Monday through Friday from 7:00 a.m. to 5:30 p.m. and Saturday from 7:30 a.m. to 1:00 p.m. There shall be no operation of the use on Sunday. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- J. **15SN0670**: In Midlothian Magisterial District, **Talley Sign Company** requests conditional use to permit an electronic message center sign and amendment of zoning district map in a General Business (C-5) District on 8.6 acres known as 7000 Hull Street Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for General Commercial/Light Industrial and mixed use corridor use. Tax ID 765-698-9518.

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial as the request does not conform to the adopted Electronic Message Center Policy and an exception to the Policy could set a precedent for similar requests. He stated that a similar request was denied by the Board of Supervisors in 2009.

Mr. Matt Salmon, the applicant's representative, requested the Commission's approval for economic purposes to help direct more business into the area.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Waller stated he reviewed the case from 2008 and the Planning Commission's recommendation for approval. However, the Board turned it down in November of 2009. Upon reflection, he stated he denied a similar case with Bon Secours and that he is no longer in favor of approving an EMC case that would go against policy unless there are extenuating circumstances surrounding the request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend denial of case 15SN0670.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- **CODE AMENDMENTS.**

L. **CODE AMENDMENT RELATIVE TO VARIANCES & BOARD OF ZONING APPEALS MEETING PROCEDURES (15PJ0116)**

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19.1-12, 19.1-14, 19.1-15 and 19.1-570 of the zoning ordinance relating to variances and the Board of Zoning Appeals (BZA). Among other things, the ordinance would, pursuant to State law requirements: (1) preclude matters subject to an administrative variance from consideration by the BZA; (2) address ex parte communications between BZA members, the public and County staff; (3) provide for equal presentation time for parties before the BZA as well as the provision of case materials; (4) revise required findings necessary for the BZA to approve a variance; and (5) revise the definition of variance in accordance with revisions to necessary findings.

Mr. Ray Cash presented an overview to the Commission on the Proposed Code Amendment to Variances and Board of Zoning Appeals Meeting Procedures, stating that requirements came about through changes in the state code during the recent Assembly session. It was noted that criteria was changed by which a variance can be approved to include shape of a lot and height of a structure, as well as findings that need to be made. A request to the Board of Zoning Appeals process would not be open to anyone who is eligible for another process, such as an administrative variance, special exception, or conditional use.

The amendment also addresses the BZA meeting procedures, stating equal time be allowed for the hearing of Applicant, Appellant, Aggrieved Person, and Staff. There are also limitations and circumstances imposed on BZA communications prior to a public hearing.

Mr. Cash, on behalf of staff, requested that the Commission forward the recommendation to the Board.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of the Proposed Code Amendment Relative to Variances & Board of Zoning Appeals Meeting Procedures (15PJ0116) and the sections listed on page 1 in the staff report.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

M. CODE AMENDMENT RELATIVE TO SIGN STANDARDS (15PJ0117)

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by repealing the remainder of Chapter 19 (zoning ordinance) and amending and reenacting Sections 19.1-6, 19.1-41, 19.1-270 through 19.1-278, and 19.1-570 related to signs and associated fees. Among other things, the amendment will delete the sign ordinance in Chapter 19 and enact a new sign ordinance in Chapter 19.1. The new sign ordinance will address, among other things, the size and location of signs based on the type of sign structure, and the use, zoning district, and size of the property on which the sign will be located; prohibited signs; safety regulations; permitting processes; methods to determine sign area and height; standards for sign number, location, setbacks, area, height, lighting, and display duration; standards for building mounted, freestanding and limited display signs; and related definitions. Fees related to sign permits are included, eliminating the temporary sign permit application and accompanying \$150 fee; establishing a planning permit application and \$50 fee for signs of 8 square feet or less on lots either vacant or occupied by a nonresidential use, or zoned O, C, or I; and providing for a sign permit application and \$200 fee for any sign greater than 8 square feet.

Mr. Ray Cash presented an overview to the Commission on the Proposed Code Amendment Relative to Sign Standards, stating the action came about through a Supreme Court ruling that stated regulations are unconstitutional when they are based on the content of a sign.

It is proposed to preserve the existing standards for permanent signs and that advertisement be content-neutral with exception to commercial signs which must relate to the premises. The proposal distinguishes between commercial and non-commercial signs and allows for temporary signs, but restricts the number, location and duration.

Mr. Ray Cash requested that the Commission forward its recommendation to the Board to repeal Chapter 19 and amend Chapter 19.1, as recommended by staff.

Mr. Gully opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to repeal Chapter 19 and amend Chapter 19.1, as listed on Page 1 of the Ordinance Change in the staff report and as recommended by staff.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

IX. OTHER BUSINESS.

There was no other business discussed.

X. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES, AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizen comments on unscheduled matters.

XI. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Waller that the meeting adjourned at 8:07 p.m. to Tuesday, September 15, 2015 at 3:30 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

Chairman/Date

Secretary/Date